

Planning Commission
Regular Meeting
December 10, 1975

Present. Chairman Ross and Commissioners Cutsforth, Edgerton, Hulbert and Herrill

Also Present. Mayor Roth, Councilman Westcott, Fire Marshal French, City Attorney Reif, Planning Consultant Walsh and Several Guests

Absent. Commissioners Johnson and Shaw

The meeting was called to order by Chairman Ross at 8:05 p.m.

The minutes of the previous meeting, held on November 12, 1975, were approved as presented.

The first two items on the agenda, a conditional use hearing and preliminary plat review for Grant Schiewe, were postponed until the next meeting, because the Planning Commission had not received all information necessary to review the preliminary plat. The conditional use was not heard because it is a part of the subdivision plans and must be heard at the same time as the plat is reviewed. The Commission also needs a letter of authorization from the property owner, James Dinsmore, and an impact report from the developer. The applicant was asked to have the completed preliminary plat ready before the next meeting (in January) in order that staff reports can be obtained from Department Heads prior to the Planning Commission meeting. They will be notified of the exact date and time.

The next item on the agenda was a preliminary plat review for John Tatone's proposed Canby Heights, located to the west of N.W. 13th Ave. (Westwood Acres). Planning Consultant Walsh presented the report of the Planning staff, with a recommendation for denial, for the following reasons: 1) 896 foot cul-de sac length, 2) N.W. 13th Ave. would serve 21 dwellings; and 3) needs a north-south street along the east property line so that a short cul-de-sac could develop the site. (Section 26, Subsection 9 of the Subdivision Ordinance reads: "Cul-de sacs: A street terminating with a cul-de-sac shall be as short as possible and shall have a maximum length of 450 feet and serve no more than 18 single family dwellings, if classified by the Planning Commission to be the final terminus of a street.") The Telephone Association staff report requires: 1) a five foot utility easement on all interior lot lines and 2) a ten foot utility easement on all exterior lot lines. They also questioned whether this proposed subdivision fits in with the long-range comprehensive plan for the City of Canby. The Canby Utility Board has no objections to the proposal, stating that the owner or subdivider will be required to extend all water utilities and pay for same into the project; and will also be required to extend and pay for the street lighting facilities; and, if URD is required, the owner or developer will be required to contact the Canby Utility Board in regard to the manner of construction and layout and provide for payment of same. Sidewalks and street lighting would be required under subdivision ordinance and comprehensive plan. Ron Tatone spoke for the applicant, stating that this proposed subdivision is an extension of a larger tract of land which was started several years ago. The river on the west side eliminates any possibility of extension further in that direction in the future. To show justification for the proposal's violations of the subdivision ordinance, Mr. Tatone cited Section 33, "Exceptions, Variances and Enforcement": "The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air

and service needs for the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan." There are three acres for nine lots--thus creating large lots for as much open space as possible--with the property to the west of 12th Ave. being vacant at this time. N.W. 12th Ave. could extend westward in the future and terminate just as this proposed subdivision would. If 12th Ave. does develop, it should be connected to 13th Ave. by a north-south projection for public safety. It was suggested that a loop could be used to provide the north-south projection and continuous circulation throughout the area instead of two dead ends created by cul-de-sacs. The comprehensive plan shows another street besides Birch in this area, to serve as a collector with restricted access as a safe route around the City. Birch has too many homes with direct access onto it to be a major arterial. The developer stated that, if this were required through the property, it would remain as it is at present. They will consider putting in the loop to provide continuous access and make it easier to tie in electric, telephone, water and sewer lines; however, they do not want to see an 80 foot arterial running through a peaceful and scenic piece of land. The loop would take care of the dead end problem, but would not be in keeping with the comprehensive plan for the grid system for the entire City. Since this seems to be in conflict with the comprehensive plan, the Commissioners felt that they should have more input from City staff and from the Council, if possible, before making any decisions. They also requested that a complete plan be made of the overall development of the entire property owned by the applicant, since they can make a better decision in this case if its future plans are known. The applicant was advised that they should submit another proposal which has been coordinated with the Planning Staff.

** Commissioner Hulbert then moved to deny the preliminary plat, as presented. The motion was seconded by Commissioner Edgerton and passed unanimously. The secretary was directed to write a letter to the applicant stating the decision and recommendations of the Planning Commission. The applicant was advised of his right to appeal the decision to the City Council within 15 days.

Commissioner Hulbert expressed concern over the quality of staff reports received by the Planning Commission and suggested that a meeting be held with department heads to discuss with them the type of information which is necessary so that the Planning Commission can make good and appropriate decisions. The secretary was directed to write to department heads, asking them to meet with the Planning Commission at 7:30 p.m. on the evening of the next regular Commission meeting.

Chairman Ross introduced several items which were not on the agenda for the evening. The first was a request for a business license for telephone service in a residence at 800 N.E. 14th, by Mrs. James Younger. This will be a home occupation but will involve only telephone service, with no traffic or products going in or out. The Telephone Association has stated that there are no objections. The Commission agreed that the license should be issued to Mrs. Younger and that there is no need for a conditional use hearing.

The next item was the division of one lot into three by Cliff Conrad and Maynard Hofziger. The property is located on N.E. 10th just south of the property which the City intends to use as a park, and would create three lots of 7,550 square feet each. There is currently 40 feet of right-of-way on that section of N.E. 10th, which prohibits building on the lots unless ten feet of additional right-of-way is obtained for a 60 foot right-of-way. However, the street is crooked at this point and, in order to make it straight, the additional right-of-way should all come from the south side of the street (the opposite side from the land owned by the applicants). They were advised to submit a Minor Land Partition application for the next meeting.

Chairman Ross stated that several contractors have been to see him lately, asking about what can be done about setback requirements on a small lot in an R-2 zone. When a duplex is planned for a lot of 7,500 feet, the lot is eaten up by setback requirements to the point where the building must be small and square in shape. We require twenty feet in the front, ten on the sides and ten in the rear. Then, because off-street parking is not allowed in the twenty foot front yard setback, an additional 20 feet (minimum) is required to provide parking. Chairman Ross questioned practicality of the ordinance in this situation, suggesting that perhaps there should be some changes made or that a variance might be granted to allow for more room on these smaller lots by allowing parking closer to the front property line (without allowing the cars to back out into the street). Perhaps there should be a greater square footage requirement for lots used for multiple family dwellings.

Off-street parking in a C-1 zone was discussed briefly. This is being worked on now by the Mayor's Citizen's Advisory Committee and should be completed before long. Commissioner Edgerton suggested that perhaps diagonal parking in some areas should be changed to parallel parking. He cited the intersections of N.W. Third and Holly and N.W. Third and Grant as examples of the hazardous situation created by the present diagonal parking. Councilman Westcott suggested that a study of the possibility be done and a recommendation be made to the Council, stating that this would be very helpful to the Council.

Earl Oliver then requested permission to sell 20 feet on the rear of Lots 9 and 10 of Oliver Addition #6 to the property owners in order to give them additional land and to straighten out the back line of the subdivision. This would bring these two lots in line with other lots to the north and south. He asked whether this would have to go through a Minor Land Partition procedure. The Commission decided that no application or hearing was necessary and told Mr. Oliver to go ahead with his plans.

With regard to possible minor land partition situations, Chairman Ross stated a desire to have himself, Mr. Lyman, the Planning Consultants, perhaps another Commissioner or a Council member; at any rate, several people who could get together and make policy decisions on these small problems so that they don't have to go before the Planning Commission. Since the ordinance states that a minor land partition can be handled through a staff decision, some of them can be weeded out before coming to the Planning Commission.

Kerry Dayton, from the State Highway Department, was present at the meeting to present a plan for access to the Canby Square Shopping Center at 1095 S.W. First Ave. He had been advised of the Planning Commission's desire to see S.W. 4th blocked off at the Highway and fed into the highway access to the shopping center, and wished to explain the hazards which would be created in this situation. Discussion centered around right-of-way and paving on S. Berg Parkway. The City does not want the developer do pave only half of the street. The City also wants 60 feet of right-of-way there because of the part this street is to play in the comprehensive plan for the City as a major arterial. Mr. Dayton stated that once an agreement is reached regarding what is to be done with Berg Parkway, the traffic signal light can be put on the highway. When asked whether a warning flasher could be installed on the south side of the bridge, Mr. Dayton stated that this could be done. After some

* discussion, Commissioner Edgerton moved to accept the plan presented by the State Highway Department on December 10, 1975, to the Planning Commission, providing that South Berg Parkway be improved to City of Canby Street requirements to the width of 60 feet, including curbing, for the total length of the Canby Square Shopping Center

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area, fronting on Berg Parkway, with the developer being responsible only for 55 feet and not for curbing on the west side. The motion was passed unanimously. The secretary was directed to write a letter to Mack Gaunt of Mercury Development, informing him of the decision of the Planning Commission and conveying the feeling of the Commission that South Berg is designed to be a 60 foot arterial truck route and is to be treated as such according to the comprehensive plan.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Merrie Dinteman
Merrie Dinteman, Secretary
Canby Planning Commission